

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NORFOLK SOUTHERN RAILWAY
COMPANY,

Plaintiff

v.

READING BLUE MOUNTAIN &
NORTHERN RAILROAD COMPANY,

Defendants

No. 3:03cv736

(Judge Munley)

MEMORANDUM and ORDER

Presently before the Court for disposition is the Plaintiff's motion for reconsideration and clarification of our Order granting partial summary judgment. For the reasons expressed below, we will deny this motion.

"The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence." Harsco Corp. v. Zlotnicki, 799 F.2d 906, 909 (3d Cir. 1985); Max's Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). The movant must demonstrate one of three grounds in order for such a motion to be granted: (1) an intervening change in controlling law; (2) the availability of new evidence not previously available; or (3) the need to correct a clear error of law or to prevent manifest injustice. Max's Seafood Cafe, 176 F.3d at 677. A motion for reconsideration is not a proper vehicle to merely attempt to convince the court to rethink a decision it has already made. Glendon Energy Co. v. Borough of Glendon, 836 F. Supp.1109, 1122 (E.D. Pa. 1993).

Plaintiff argues that we made a clear error of law. We disagree. Plaintiff raises the same or similar issues addressed in our summary judgment memorandum, and its motion for reconsideration is merely an attempt to induce the Court to rethink its decision. Therefore, we deny the motion for reconsideration.

As to clarification, we did not address every potential issue and every damage claim in the case, but addressed only those issues raised by Defendant's partial motion for summary judgment. The Memorandum and Order disposing of Defendants' partial motion for summary judgment was sufficiently clear as to the Court's reasoning and its decision.

AND NOW, to wit, this 14th day of September 2005, Plaintiff's motion for reconsideration and for clarification (Doc. 34) is hereby **DENIED**.

BY THE COURT:


JUDGE JAMES M. MUNLEY
United States District Court